

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re: Case No. 12-12020(MG)

RESIDENTIAL CAPITAL, LLC, et al. Chapter 11  
Debtors

GTS CAPITAL HOLDINGS IRA, LLC

Creditor

MOTION FOR RELIEF FROM AUTOMATIC STAY

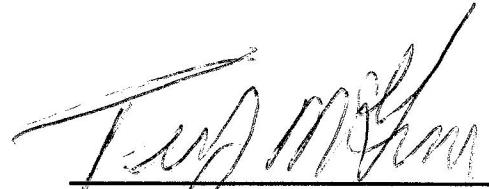
COMES NOW GTS Capital Holdings IRA, LLC. ("Creditor") and files its Motion For Relief From Automatic Stay as follows:

1. On or about August 7, 2006, Carlos R. Ortiz ("Borrower") executed a Promissory Note and Mortgage in favor of Homecomings Financial Network, Inc. to secure a loan made by Homecomings to Borrower in the principal amount of \$148,000.00. The 1<sup>st</sup> mortgage lien encumbers Borrower's home located at 113 E. Coleman Circle in Sanford, Seminole County, Florida. Creditor is the current owner and holder of the Promissory Note and Mortgage.
2. Borrower defaulted on the Promissory Note and Mortgage by failing to make the payment due June 1, 2009 and all payments that have become due since that date.
3. Creditor desires to commence a Mortgage Foreclosure proceeding as reflected by the prepared, verified Complaint To Foreclosure Real Estate Mortgage attached to Creditor's Answers to Senior Lien Stay Relief Questionnaire as Exhibit "4". As the Complaint reflects in Paragraph 10 a, Homecomings Financial Network, currently owns and

**holds a 2<sup>nd</sup> Mortgage on the subject real property that is subordinate and inferior to Creditor's mortgage. Creditor is unable to commence the foreclosure proceeding without first obtaining relief from the bankruptcy stay.**

- 4. On December 10, 2014, the Court entered its Order granting the undersigned's Application For Pro Hac Vice Admission (Doc # 7827).**

**WHEREFORE GTS Capital Holdings IRA, LLC. ("Creditor") moves this Court to enter its Order granting relief from the automatic stay to file its Mortgage Foreclosure Complaint and extinguish Homecomings Financial Network Inc's. junior lien interest in the subject real property.**



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**CERTIFICATE OF SERVICE**

I hereby certify I have on this 11 day of December 2014 served a copy of the foregoing on the following attorneys and/or parties listed below:

Residential Capital, LLC  
1100 Virginia Dr.  
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Attn: Melody Wright

ResCap Liquidating Trust, Morrison & Foerster LLP  
Attn: Norman S. Rosenbaum and Jordan A. Wishnew  
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ResCap Liquidating Trust, Kramer Levin Naftalis & Frankel LLP  
Attn: Kenneth H. Eckstein, Douglas H. Mannal, and Joseph A. Shifer  
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Office of the United States Trustee for the Southern District of New York  
U. S. Federal Office Building  
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